

## **500 KAR 14:010. Motor carrier safety requirements.**

RELATES TO: KRS 281.600, 281.880, 281.883, 49 C.F.R. 385, 390

STATUTORY AUTHORITY: KRS 15A.020, 281.600, 281.880, 49 C.F.R. 385, EO 2006-805

NECESSITY, FUNCTION, AND CONFORMITY: KRS 281.880(2) authorizes the department to issue motor carrier safety ratings to any private or for hire motor carrier that is based in Kentucky. EO 2006-805 transferred the authority to administer motor carrier safety laws and administrative regulations to the Department of Kentucky Vehicle Enforcement. This administrative regulation establishes safety requirements for motor carriers in intrastate commerce.

Section 1. Intrastate Safety Rating System. (1) The department may issue a safety rating to a motor carrier subject to the provisions of this administrative regulation if all of the commercial motor vehicles operated by the motor carrier are operated exclusively in Kentucky.

(2) The department shall use the safety standards and rating criteria in 49 C.F.R. 385 in issuing a safety rating.

(3)(a) A motor carrier may request the department to conduct an administrative review if it believes the department has committed an error in assigning its proposed or final safety rating.

(b) The request and administrative review shall comply with the procedures in 49 C.F.R. 385.15 except that the request shall be submitted to: KVE Compliance Review Program Coordinator, 125 Holmes Street, 3rd Floor, Frankfort, Kentucky 40601.

(4)(a) A motor carrier that has taken action to correct deficiencies may request the department to change its proposed or final safety rating at any time.

(b) The request and determination shall comply with the procedures in 49 C.F.R. 385.17 except that the request shall be submitted to: KVE Compliance Review Program Coordinator, 125 Holmes Street, 3rd Floor, Frankfort, Kentucky 40601.

(5) Safety Fitness Information.

(a) Final ratings shall be made available to other state and federal agencies in writing, telephonically, or by remote computer access.

(b) The final safety rating assigned to a motor carrier shall be made available to the public pursuant to the procedures in KRS Chapter 61. Any person requesting the rating shall provide the department with the motor carrier's name, principal office address, and if known, the Kentucky DOT number.

(c) Requests shall be addressed to: KVE Compliance Review Program Coordinator, 125 Holmes Street, 3rd Floor, Frankfort, Kentucky 40601.

Section 2. New Entrant Safety Assurance Program. (1) A motor carrier operating in intrastate commerce shall be subject to the department's New Entrant Safety Assurance Program as set forth in 49 C.F.R. 385.301-337.

(2) A new entrant who receives a revocation notice of its operating authority resulting from the safety audit may request the department to conduct an administrative review if the entrant believes the revocation determination was in error.

(3) The request and administrative review shall comply with the procedures in 49 C.F.R. 385.327 except that the request shall be submitted to: KVE Compliance Review Program Coordinator, 125 Holmes Street, 3rd Floor, Frankfort, Kentucky 40601. (33 Ky.R. 3121; Am. 3367; eff. 6-1-07.)